

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0485 Department of Community Correction

ACT#: 35-1SS

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COMMUNITY CORRECTION PROGRAMS-~~LINE ITEM~~ USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon review by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Community Correction, as authorized by the Board of Corrections, is authorized to use funds appropriated for "Community Correction Programs"-~~line item~~ in this Act to construct new or renovate existing facilities to support the development of community correction facilities in the state.

The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.

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EXECUTIVE RECOMMENDATION

MOTOR VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby authorized to purchase motor vehicles from the appropriations authorized— for residential services programs, probation/parole community supervision programs and administration & support services programs ~~for Capital Outlay in Section 3 and Section 4 of~~ this Act.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

PARKING FEES. On July 1, of each year the Department of Community Correction shall pay from the appropriation provided herein from non-general revenue, the total amount appropriated for War Memorial Stadium Commission Parking Services from Fees to the War Memorial Stadium Commission.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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SECTION#: 11

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TRANSFER PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer of the State and review and approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Community Correction is authorized to transfer appropriation from and to residential programs, probation/parole community supervision programs and administration & support services programs ~~any authorized line item authorized in Section 3 and Section 4 of in this Act, to any other line item authorized in Section 3 and Section 4 of this Act.~~

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Community Correction may operate more efficiently if some flexibility is provided to the Department of Community Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the

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Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections that a reallocation of resources within the Department of Community Correction and Department of Correction is necessary for the efficient and effective operation of the departments, the Board, with approval of the Governor and approval by the Arkansas Legislative Council or Joint Budget Committee, shall have the authority to instruct the department directors, to request from the Chief Fiscal Officer of the State, a transfer of positions, programs, funds, and appropriations, ~~and line item appropriations~~ within or between existing and newly created ~~divisions, offices, sections, or units~~ programs of the departments. If it is determined that the requested transfer should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the State, and the Departments of Correction and Community Correction. Provided, however, that the Board shall be limited to submitting no more than Four requests during any fiscal year. Transfer authority for unforeseen purposes shall further be limited to no more than five percent (5%) of the total appropriation, funding, and positions specific to each agency. However, there shall be no transfers to or from the County Jail Reimbursement Fund. Other than for unforeseen purposes, transfers shall be limited to the following specific purposes:

- a) Costs to open and operate temporary beds;
- b) Payment of Debt Service;

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EXECUTIVE RECOMMENDATION

- c) Payment of Overtime Expenses;
- d) Unanticipated increases for medical or private prison contracts;
- e) Construction/renovation/equipping of new beds;
- f) Deficits in Farm or Industry Program;
- g) Losses not covered by insurance proceeds;
- h) Costs of personnel for critical services or necessary to carry out the mission of the agency.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction and the Department of Community Correction may operate more efficiently if some flexibility is provided to the Board of Corrections ~~and Community Correction~~ authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled

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unconstitutional by a court jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

~~COMMUNITY CORRECTION PROGRAMS LINE ITEM USES. The appropriations authorized under the line item established herein for "Community Correction Programs" are to be used by the Department of Community Correction for establishment and operation of, to include construction, renovation, and contracting for establishment and operation of, residential and non-residential community correction programs such as, but not limited to, community correction centers, drug, alcohol, and mental health treatments, intensive supervision, restitution, and others as established and approved by the Board of Corrections and as may be provided by law.~~

~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

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HOLIDAY COMPENSATION. The Department of Community Correction is authorized to pay employees for up to ninety-six (96) hours of unused holidays exceeding a balance in the employee's holiday account of one-hundred fifty (150) hours following the end of the calendar year. Employees terminating employment from the Department of Community Correction will be eligible for all holiday pay accrued during the years of service. This request is contingent on approval by the Chief Fiscal Officer of the State after the Director of the Department of Community Correction has verified that sufficient revenues are available to make such payments to employees in the following classifications:

T014 Chief Security Officer	Grade 22
T008 CP/COR Officer IV	Grade 21
T006 CP/COR Officer III	Grade 20
T010 CP/COR Sergeant	Grade 19
T005 CP/COR Officer II	Grade 18
T003 CP/COR Officer	Grade 16

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MEDICAL SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of Corrections that the Department of Community Correction cannot continue a medical contract with a private provider and the Board deems it necessary to utilize Department staff to provide the required services, the Department is allowed, upon notification of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent positions for medical services contained in ~~Section 16 of this Act and make the appropriate transfers from the Professional Fees and Services line item contained in Section 3 of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations classifications.~~ Further, the Department may utilize the service(s) of a state-based or national-based Professional Recruitment Service, or network, as may be necessary to recruit, fill, or maintain the occupancy of the positions stated herein.

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EXECUTIVE RECOMMENDATION

REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Community Correction - Contingent Positions for the ~~2003-2005~~ 2005-2007 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its successor.

CONTINGENT POS - MEDICAL SERVICES	NO. OF EMP	FISCAL YEARS 2003-04-2004-05 <u>2005-06 2006-07</u>
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PATIENT CARE - CLASSIFIED POSITIONS

(1)	108Z COR MED/DENTAL ADMR	1	GRADE 23
(2)	L122 PSYCH. EXAMINER II	1	GRADE 21
(3)	M088 SOCIAL WORKER II	5	GRADE 20
(4)	L070 NURSE II	<u>6</u> 5	GRADE 20
(5)	L115 LPN II/LPTN II	<u>20</u> 16	GRADE 15
(6)	R009 ADMIN ASSISTANT I	1	GRADE <u>17</u> 15

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MAXIMUM NUMBER OF CONTINGENT

EMPLOYEES MEDICAL SVCS 34 ~~29~~

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request.

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~~_____ FUND BALANCES RESIDENTS SERVICES CASH FUND. (A) For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause the Residents Services Cash Fund to decline below three hundred sixty nine thousand seven hundred seventy dollars (\$369,770), the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:~~

~~_____ 1) a plan that clearly indicates the specific fiscal impact of such expenditures on the fund balance.~~

~~2) information clearly indicating and explaining what programs would be cut or any other measures to be taken by the agency to restore the fund balance.~~

~~3) the extent to which any of the planned expenditures are for one time costs or one time purchase of capitalized items.~~

~~4) a statement certifying that the expenditure of fund balances will not jeopardize the financial health of the agency, nor result in a permanent depletion of the fund balance.~~

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~~————(B)——The Chief Fiscal Officer of the State shall review the request and approve or disapprove all or any part of the request, after having sought prior review by the Legislative Council. ———The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

DISCONTINUE LANGUAGE

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EDUCATIONAL INCENTIVE BONUS PAYMENT – In recognition of the value of higher education, the Arkansas Department of Community Correction is authorized to issue one-time monetary bonus payment to employees who, while serving in a position with the Arkansas Department of Community Correction earn a degree or professional license over and above that required by the Office of Personnel Management as qualifications for the positions. In addition, the degree earned must be related to the functions of the position (such as a Correctional Officer II earning a Bachelor's Degree in Criminal Justice, as opposed to a Correctional Officer II earning a Bachelor's Degree in Mathematics). Bonuses will be paid at the following rates:

<u>Associate Degree</u>	<u>\$ 750</u>
<u>Bachelor's Degree</u>	<u>\$1,500</u>
<u>Master's Degree</u>	<u>\$2,500</u>
<u>Doctoral Degree</u>	<u>\$3,500</u>
<u>Professional License</u>	<u>\$1,250</u>

Generally a professional license would only qualify for a bonus if it permitted the individual to carry out his/her profession in the Arkansas Department of Community Correction at a higher level-e.g. psychologist, psychological examiner, journeyman plumber, licensed social worker.

EXECUTIVE RECOMMENDATION

AGENCY REQUEST DENIED

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The amounts received under the provisions of this section shall not be considered as exceeding the maximum authorized annual salary allowance for employees in receipt of such amounts. Such amounts shall be considered as Regular Salary, and the Director of the Department of Community Correction shall adopt necessary rules and regulations for administration of this provision. Such payments shall be optional, at the discretion of the Director of the Department of Community Correction, dependent upon sufficient revenues and shall not be implemented using funds specifically set aside for other agency programs.

The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.